

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 181 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 16-41-8-1, AS AMENDED BY P.L.135-2005,  
4       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5       JULY 1, 2009]: Sec. 1. (a) Except as provided in subsections (d) and  
6       (e), a person may not disclose or be compelled to disclose medical or  
7       epidemiological information involving a communicable disease or  
8       other disease that is a danger to health (as defined under rules adopted  
9       under IC 16-41-2-1). This information may not be released or made  
10      public upon subpoena or otherwise, except under the following  
11      circumstances:  
12      (1) Release may be made of medical or epidemiologic information  
13      for statistical purposes if done in a manner that does not identify  
14      an individual.  
15      (2) Release may be made of medical or epidemiologic information  
16      with the written consent of all individuals identified in the  
17      information released.  
18      (3) Release may be made of medical or epidemiologic information  
19      to the extent necessary to enforce public health laws, laws  
20      described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9  
21      through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23,  
22      IC 35-38-1-7.1, and IC 35-42-1-7, **IC 35-42-4-1, IC 35-42-4-2,**  
23      **IC 35-42-4-3, IC 35-42-4-5, IC 35-42-4-7, IC 35-42-4-8,**  
24      **IC 35-42-4-9, IC 35-46-1-3, and IC 35-42-2-6,** or to protect the

- 1 health or life of a named party.
- 2 (b) Except as provided in subsection (a), a person responsible for  
3 recording, reporting, or maintaining information required to be reported  
4 under IC 16-41-2 who recklessly, knowingly, or intentionally discloses  
5 or fails to protect medical or epidemiologic information classified as  
6 confidential under this section commits a Class A misdemeanor.
- 7 (c) In addition to subsection (b), a public employee who violates this  
8 section is subject to discharge or other disciplinary action under the  
9 personnel rules of the agency that employs the employee.
- 10 (d) Release shall be made of the medical records concerning an  
11 individual to:
- 12 (1) the individual;
- 13 (2) a person authorized in writing by the individual to receive the  
14 medical records; or
- 15 (3) a coroner under IC 36-2-14-21.
- 16 (e) An individual may voluntarily disclose information about the  
17 individual's communicable disease.
- 18 (f) The provisions of this section regarding confidentiality apply to  
19 information obtained under IC 16-41-1 through IC 16-41-16."
- 20 Renumber all SECTIONS consecutively.  
(Reference is to ESB 181 as printed March 27, 2009.)

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Representative Borrer